G. R. S. IX-5]

Previous references.

Reserve

191

(Courts)

Later references.

File No. 40—18

Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for August 1918

SUBJECT.

Inspection Report of the chief Court held by the Chief Judge

W D 88—GPB—50,000—24-7-16

K Nagaratnam
1918.18

G. R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 40/18

FILE HEADING.

Inspection notes of the Chief Court held by the Chief Judge.

From

The Registrar, Chief Court of Mysore

No. 892 Dated 25.7.18 Received 31.7.18.

Diary No. 2543	Enclos. 1	Spare Copies. -	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards statement of Inspections conducted together with a copy of the Inspection notes.

NOTES AND ORDERS.

Subd. The report is received as per orders in G.O. No.

K.N. 478-86/E.A.G.52-4 & 24.9.17

31/7

1/8

(2) Submitted for favour of perusal.

561/5.8.

First Member (3) Returned with remarks of

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2

General and Revenue Secretariat.

Govt. File No. 40 of 1918.-19.

Serial No.

in murder cases, the charge memo
must be drawn up carefully.

4/8/18

(4) Q. Public prosecutor's duties in
connection with
Ex

(5) Subd. with file contg. G.O. No. 9473-8
C&S 161-17-8
sanctioning the printing of records in
murder cases in formal proceedings.
BG.
6/8

(6) The nothing is unsatisfactory. Let enquiries
6/8 be made and the result put up on the file.

Ex 78

(7) File
Ex
9/8

B
9/8

NOTE—Contn. sheet.

G.R.S. III–3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D·137

From

The Registrar
Chief Court of Mysore

R.O.C.
Letter no 892 dated 25-7-191

forwarding statement of
inspections conducted together
with a copy of inspection notes
~~held~~ of the Chief Court held
by the Chief Judge.

The letter is retained in the
E. A branch as it was in
reply to this office letter no 1789
dated 4th April 1918.

Seen: the inspection notes
may be transferred to Judicial
Section of the Chief Secretariat

30/7

NLL
30/7

SECRETARIAT
31 JUL 1918

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III–3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Received with Letter R.O.C. No 892 dated 25.7.1918
from the Registrar Chief Court of Mysore. § 2043

JUL 1918

NOTES OF INSPECTION OF THE CHIEF COURT OF MYSORE.

1. Name of Inspecting Officer with designation. — Sir Leslie C. Miller, Kt. CHIEF JUDGE.

2. Duration of inspection. — (Date of inspection ~~commenced~~. 30th January 1918. (Date ~~concluded~~ and 5th February 1918.

3. Previous inspection..... (Date...5th February 1917. (Name and designation of Inspecting Officer. Sir Leslie C. Miller, Kt, CHIEF JUDGE.

CASE REGISTERS.

1. Are the regular, miscellaneous and second appeal registers maintained correctly and up-to-date?

Regular Appeal Register.

3 unregistered appeals, one presented yesterday not yet checked, 2 returned for supply of omissions and only represented on 28th, these have been ordered by the Registrar to be registered.

Examined a few cases of apparent delay between presentation and filing; the delay is duly accounted for except that in some cases the interval between the receipt and the Registrar's order is rather long: this may be due to delay in checking or delay in passing orders: the papers do not shew that: if the clerk initials his note when he puts the paper before the Registrar and dates his initials the Registrar's attention will be called to any delay up to then and the clerk will not be responsible for delay thereafter.

In columns 4 and 7 of the register the position of the parties in the suit are entered under heading 'description'. This

think is wrong: those columns are intended for what is known as the 'description' in the cause title given in Appendix A (1) to the Code of Civil Procedure - i.e. father's name, caste and age. The 'description' is not given in most memoranda of appeal, but the title in Appendix G. (1) should follow the title for suits in A (1).

The register does not provide a column for memoranda of objections, or for interlocutory orders, such as stays of execution, calls for findings or further evidence. Stays of execution are noted in pencil; to make the register complete columns are wanted for these things especially as there is no other register for them.

The Register is written fairly neatly and the entries in Cols.11 and 17 seem to be adequate.

The cases are duly initialled by the Deputy Registrar on disposal.

Adjournments correctly entered.

Second Appeals.

The latest entry is No.101 of 1917-18 presented on 19th instant.

One unregistered produced presented on 24th instant. No note by the Registrar, but it is said by the clerk that it was taken to him and he asked that it should be shewn to the Advocate on account of an error in valuation.

It may here be noted that the rubber date stamp of the Court is out of order and registers all dates as some illegible date in September 1916. The rubber has perished and the drum will not revolve.

revolve. A new stamp should be obtained.

The same observations apply to this Register as to the Regular Appeal Register.

The abstracts in Col. 11 are written fairly fully but contain here and there corrections by the head of the branch or the Deputy Registrar. The Deputy Registrar has now arranged for a draft to be passed before the entry is made in the register. This will involve some labour but will keep the register neat and legible: the same should be done for regular appeals.

Miscellaneous appeals.

None unregistered: last 15th instant.

Register seems to be correctly maintained: same observations as to abstract of applications.

Civil Revision Petition Register.

2. Are the registers of Civil Petitions, Revision Petitions and Referred cases maintained correctly and up-to-date?

None unregistered. No printed register, doubtless because this is the only Court exercising revisional jurisdiction. The register is correctly kept: all disposals up to date are duly entered.

Civil Petition Register.

One unregistered. Petition for leave to appeal in forma pauperis delayed for corrections. Disposals up to date entered and initialled by the Deputy Registrar. This register is also in manuscript but the Registrar might consider whether a printed register in the form of Register III kept by lower Courts would not be suitable.

CRIMINAL REGISTERS.

Appeals.

3. Are the registers of (a) Criminal Appeals, (b) Revision Petitions, (c) Criminal Petitions, (d) Criminal Revision cases and (e) referred cases, maintained correctly and up-to-date.

No unregistered case so far as the stamp register shews.

Disposals are entered up to date.

Col.3 is not always correctly entered. The entry "Bangalore Centrail Jail" for instance does not conform to the heading. In Jail appeals as in others the section of the Procedure Code can be entered.

The adjournments in the register do not always correspond to dates in the diary, because if a case is adjourned to say 28th Novr. and does not come on on that day in Court, the order/ reposting it may be made only on the following day by the Registrar, and on that day appears in the diary. As cause lists are prepared this does not give rise to inconvenience.

Postings books (not ~~presented~~ prescribed) are kept both for criminal and civil cases.

The diary is up to date and correct. I do not know if it is necessary to keep a separate one for criminal cases, but have no objection.

Criminal Revision Petitions.

Up to date. Disposals correctly entered. Register generally correct. Nature of application not always clear. My former instruction to cut the description as short as possible was not meant to make it unintelligible.

Criminal Petitions.

These are all transfer and bail petitions. The register is up to date and correct.

Each

Each entry is initialled by the Deputy Registrar.

Criminal Revision Cases.

Register is up to date. There are two long pending cases Nos. 35 and 42 of 1916-17. In the latter case the explanation of the District Magistrate of Mysore was asked for in March 1917 but has not been received. The last reminder was in November 1917. The District Magistrate should be asked why nothing has been done yet.

No.35 was a reference by the Sessions Judge of Mysore received here in February 1917. The register does not shew that it has been disposed of. The District Magistrate was asked to report, but no reminder has been sent. He must be asked again.

Referred cases.

The register should shew date of receipt of reference. There are four cases as yet untouched, and the delay in bringing these cases into Court has been recently noticed by the Registrar as due to delay in printing. It is important that references in murder cases should not be delayed, and if the Government Press cannot do the work owing to pressure of other work, the Government might permit the Court printers to do it. Reference may be made.

Register of Memorials.

Other Criminal Registers. A new register, desired to supply information for the annual reports. It is up to date.

Register of copies of judgments and orders received from subordinate Courts.

Seems to be up to date.

In Criminal miscellaneous cases copies are not required to be sent for all cases registered in Register III of the lower Courts, e.g. in bail applications: the absence of receipt of orders in this class of cases does not therefore shew that those not received are still pending in the lower Courts, and it will be sufficient for our register to enter only those received as they come in leaving no blanks. In other classes of cases the register should be kept as at present

4. Are the dates of adjournments entered in the proper columns both in the Civil and Criminal Registers?

5. Do the entries correspond with the entries in the diaries of the court?

6. Are the results of cases entered promptly and properly in the respective registers.

Diary Entries of disposals in all these registers are duly made up to date.

Diary entries so far as checked are correctly made, but R.A. 80 adjourned to 10-1-18 does not appear in the diary of that date, but appears on the 11th on which date the order sheet shews it was adjourned by the Registrar.

The entries are sufficient to shew all that is wanted.

OTHER REGISTERS.

7. Is the Register of records (both Civil and Criminal) received from and returned to lower courts maintained correctly and up-to-date.

The Registers are up to date. Register of returns was found incorrect in one case. S.A. 47 of 1916-17 should be S.A. 47 of 1915-16. This gave some trouble to correct.

8. Are the lower court records returned promptly with the copies of judgments & orders of this court after the disposal of appeals and cases.

Fairly. The record cannot be returned till fair copies of judgments are signed: there does not seem to be much delay after that.

In the Register of receipts the words 'Submits records in' need not be entered:

they

they only take time to write and serve no particular purpose.

In x these and all registers I should like to see clerks always date their initials. A few untidy corrections and crossings out are noticed here and there

9. (a) Is the stamp register maintained correctly and up-to-date.

S t a m p s.

(a) Checked in a few cases and found correctly entered. Is up to date. The question raised last year whether unstamped papers ought to be entered has been answered by the Registrar in the affirmative and I have no objection. It makes the register more complete, saves the necessity of another register, does not affect the totals and is not much extra labour.

(b) Are entries therein written up without delay.

(b) Yes.

(c) Are refunds of institution and process fees noted in the column of remarks.

(c) Yes, not in remarks column, because there is no room, but in red ink in any space that can be found.

(d) Do the entries of refunds in the register tally with the refund cheques?

(d) Yes: Checked also with Register XII.

(e) Are unused process stamps destroyed & the fact noted in this register.

(e) No unused process stamps.

10. Is the register of processes issued and returned properly maintained.

Process register is maintained according to its form except that the despatching clerk puts his initials in the wrong column 11, and the form does not require the entry of the A number of the Court which issues the process.

11. Are entries correctly made therein without delay.

With the aid of the stamp register we can find out what is the interval between payment of process fee and despatch of notice, but it is not easy as the process register contains no reference to the stamp register number. The registers do not show the interval between preparation of the notice and issue, but some records examined shew that there is very little delay in issue after the process memo is presented. 9 days was the longest; and some were issued on the day after receipt.

12. Does the Court diary as maintained give sufficient details of disposals and adjournments.

Yes.

13. Is the register of appeal memos etc. returned for amendment or for payment of deficient stamp fee properly and correctly maintained.

It is up to date, and kept in the form which has been usual but it is very difficult to verify the correctness of the entries because there is nothing to show to what proceeding the orders relate (the cases are not numbered till the orders are obeyed). If instead of a description of the proceedings (as R:A.....of 16-17) the number of the Stamp Register was entered in column 2 verification would be easier, as through even then there would be difficulty in identifying the proceeding so as to get at the record. If the blank be filled in when a number is given the register could be checked.

RECORDS AND RECORD ROOM REGISTERS.

16. Are all disposed of records promptly made over after a month according to rule to the Record Keeper duly arranged with a table of contents.

Yes, in less than a month generally.

17. Are the following Registers written up neatly and correctly by the Record-keeper?

Register No.I.

The record keeper keeps ~~no~~ registers: in the printed register he enters all cases of whatever kind they may be; in a separate register he keeps pages set apart for each class of cases and enters only a serial number of the Court and the names of parties. Question 17 does not seem to refer to these registers.

There is no register shewing date of destruction. It is said by the record keeper that nothing was destroyed before the Special establishment was employed recently and they have destroyed everything destructable up to date, and this is borne out by the records of the sorting establishment. But there is no register for papers which will be ready for destruction this year or in 1919 or 1920; it is probably not worth while to open a register now shewing disposals of 1913, 1914 and 1915, but the Registrar will have to see that the B. files are duly destroyed when ready.

R.A. 66 of 1916-17 record not entered as received; the case was disposed of on 30-10-16 and the record keeper has initialled in the register of records sent to him kept in the other branch. It is found in the records. There is therefore an omission from the register.

Register seems to be up to date.

Register No.II.

Register II shews a few registers to be destroyed in 1917 not yet destroyed.

The periods entered for destruction seem to be correct but court ~~decrees~~ diaries are to be kept

I

I think/for 2 years only and not 3.

Register III. The Register is up to date.

O.S. 3 of 1885 is in the record but appears as removed and no entries as to return.

18. Are the records in disposed of cases neatly arranged and stitched with title pages correctly written up? Y e s.

20. Is the register of return of documents maintained and are applications for return promptly attended to. Register of documents returned to parties seems to be up to date.

TRANSLATION DEPARTMENT.

21. How many translators work in the Branch? S i x.

22. Are the translations completed promptly? Y e s.

23. Is the translation work fairly distributed. Yes, apparently.

COPYING DEPARTMENT.

24. How many officials work in this branch and under whose supervision? N i n e.

25. Does this Branch maintain a register of records sent to it for typing or fair copying and are such register entries complete? Yes, yes.

26. Is there any undue delay in the preparation of fair copies of correspondence, judgments & orders. No.

The registers as maintained do not show how correspondence is dealt with: complaint that the work of comparing is too heavy for one men.

27. Are the following registers maintained?

1. Cash Book.
2. Deposit Register.
3. Ledger.
4. Receipt Order Book.
5. Cheque Book.
6. Remittance Register.
7. Refund Register.

Yes. The remittance register contains miscellaneous items not relating to judicial cases, but these do not come into the cash book when received: I do not quite understand why. The Registrar may put up a note on the subject.

28. Is the cash book maintained in the proper form and is it checked daily by the Deputy Registrar?

It is initialled daily by the Deputy Registrar.

29. Is the Deposit Register written up properly and regularly?

Apparently yes.

30. Are initials of the parties obtained therein for deposits and payments.

Y e s.

31. Are all the cash book and deposit entries duly ledgered?

Apparently yes.

32. Are ledger balances carefully struck?

Y e s.

33. Is the register of refunds correctly maintained?
(Note:--Do the entries in the register tally with the counterfoils of the refund certificates)

Y e s.

CONTINGENCIES, ACQUITTANCE ROLLS, ETC.

35. Are the following registers properly maintained?

1. Contingent Register. — Y e s.
2. Order Book for contingent charges. — None: orders are on pieces of paper. A book would be better.
3. Baraward. — Y e s.
4. Travelling Allowance Bill Book. — Y e s.

36. What is the amount of permanent advance held by the office? Is an account of it correctly kept? What is the balance on hand? Is it forthcoming?

50. Yes. balance correct.

37. Is there any money on hand awaiting remittance to the treasury or payment to parties?

N o.

38. Are there any long standing advances made out of the office imprest awaiting adjustment?	N o.
39. ~~xxx~~ Are all contingent charges incurred under due authority, sanction of the Government being obtained where necessary?	Apparently so.
40. Is the expenditure kept within the budget grant?	Yes, so far.
40.A. Is the register showing the issue of clothing to menials properly maintained?	There is a register which seems to be up to date. I don't quite know why summer clothing is issued in October.
41. Are the detailed contingent bills of each month forwarded to the Comptroller with vouchers by the 1st week of the succeeding month as required by paragraph 210 of the Mysore Treasury Manual.	Detailed bills are not sent monthly.
42. Are salary bills prepared with reference to the attendance register, leave and office order book?	Y e s.
43. Are all salaries drawn duly disbursed and proper receipts taken in the baraward. Is a stamped receipt obtained for payments of over Rs.20. Is the Register examined every month by the Registrar?	Y e s.
44. Is undisbursed pay short-drawn invariably in the pay bill of the next month.	Y e s.
46. Are all sums drawn on travelling allowance bills disbursed and acquittance taken?	Y e s.
47. Are pension applications prepared and submitted in time as required in G.O. No.Fl.7215-55--A S and A. 484-08-1, dated 7th May 1909?	
48. Are there many cases pending disposal, and is satisfactory explanation forthcoming for pendency?	None pending.
49. Is a gradation list of officials prepared as they stood on the 1st July every year with their qualifications and services duly and correctly noted?	Y e s.

50. Is a service register maintained for every permanent official and brought up to date? Are these registers arranged in order and kept in a separate box?

Yes: some of the finger prints are badly taken: ink too thick: would give trouble to an expert I imagine. Verified up to 30-6-17. Peons only verified up to 30-6-16.

51. Is an office order book maintained? Are orders of leave, punishment etc, regularly recorded and given effect to.

Yes.

52. Is a register of applications for appointments maintained and are selections made therefrom?

Yes, date of application not shown in last two cases.

53. Is a record of the distribution of work among the several clerks in the office maintained?

Is the work assigned to each official sufficient without being excessive?

The work done by each is noted in the gradation list, but it does not give much idea of the amount required from each official.

54. FURNITURE LIST.

Is a register of furniture maintained? Are all articles of furniture purchased from time to time entered therein with details as to the date of purchase and cost of each? Is the register verified once a year by the Registrar?

Yes: some sold recently as unserviceable.

Is a note made in the register of all articles lost or which have become unserviceable?

Furniture in good order for the most part.

Is the furniture adequate to the needs of the office or more than necessary? What is the condition of furniture kept?

STATIONERY AND FORMS.

55. Are the stock and issue books regularly maintained? Does the Deputy Registrar check them once a quarter?

Yes. Yes, monthly.

Is a verification by stock-taking done once a year?

Stock-taking not yet done for the year.

Is a register of periodical issue of stationery maintained?

Yes

56. Is the stock of forms kept in a proper place and are the forms neatly arranged?

Each clerk keeps his own stock.

LIBRARY.

57. Is a register maintained for entering books and publications as they are received and is it written up-to-date.

Y e s.

58. Is a catalogue of the library maintained up-to-date.

New catalogue in the press.

59. Are all books received into the library deposited in their appropriate places?

Y e s

60. Are all correction slips inserted in their proper places in the volumes of enactments, rules, etc.?

Correction slips i.e. amendments of regulations are not supplied in slip form and it would be well if they were.

61. Are any books issued without a receipt or lent to strangers without the permission of the Registrar?

There are slips signed by the takers for each book taken. No

62. Are cases of loss or damage to any books reported promptly and orders obtained for their replacement?

No case reported.

I have no time to verify the whole catalogue.

CORRESPONDENCE REGISTERS.

63. Are the current registers properly maintained?

Yes: there seems to be some old papers pending which require attention.

On the whole they seem to be maintained correctly; the Deputy Registrar and the Registrar supervise them.

64. Are a peon book and tappal book maintained?

Yes, yes.

65. Are all these registers written up neatly? Are the entries concise and clear?

Yes. Yes as a rule.

66. Is there any delay in the despatching of letters? Are all papers despatched invariably on the day they are signed or the following day? A few issued may be examined with reference to the refer book, peon book and tappal book?

No. Not all but nearly all.

67. Is a separate petition register maintained in the form prescribed and does it show the method of disposal and the date and nature of endorsements granted? — Yes.

68. Is there any abnormal delay in the disposal of petitions? — None noticed.

69. Are all the registers periodically examined by the Registrar and signed by him in token of his inspection? — Apparently yes.

70. Are correspondence papers properly sorted and arranged?

ARREAR LISTS.

71. Do the officials required to prepare and submit arrear lists do so and are they scrutinised carefully by the Registrar? — There are arrear lists in detail of correspondence papers: whether they are scrutinised by the Registrar or not does not appear from them. There are no abstracts as suggested in the rules. The Registrar may state why they are not required.

72. Are monthly arrear lists received from subordinate offices and scrutinized before the 15th of the following month? — They are received from District Judges.

~~22~~. OTHER REGISTERS OF THE ENGLISH RECORD DEPARTMENT.

73. Is the power register correctly maintained up-to-date? — Yes.

74. Is the register of applicants for Munsiff's post correctly maintained up-to-date? — Yes.

75. Are the registers of rules of practice and circular letters (both Civil and Criminal) properly written up and up-to-date. Are separate files of these kept? — Seem to be up to date.

76. Is the register showing the amount of casual leave granted to Judges of subordinate Courts correctly maintained? — Yes

GENERAL.

77. ✱ Is the register of Advocates and Pleaders maintained up-todate?

Advocates Roll and list up to date. Also pleaders list.

78. Is the register of Advocates' Gumastas maintained up-to-date?

Y e s.

79. Is the attendance register regularly kept? Is the attendance regular? Is the register checked daily?

The register is regularly kept. There is nothing to shew that it is closed punctually so as to exclude late comers.

80. Is a register of immoveable properties possessed by Judicial Officers maintained?

Register of lands owned by officers entered up for 1916-17.

81. Is a register maintained for cases ordered to be reported in the Chief Court Reports?

Y e s.

82. Are reports of cases issued for print within a reasonable time?

No. 6 and 10 seem to have been wanting approval for a long time.

COPYISTS' DEPARTMENT.

83. (a) How many copyists are employed in the Department?

Four.

(b) Do they write a legible and good hand?

Yes, those copies seen are neat.

(c) Are applications for copies distributed fairly among them?

Yes, apparently.

(d) Does the monthly average income of the Examiner and of each copyist shew that the staff is sufficient or otherwise?

The average is higher than in many other Courts, but the register does not suggest that copies are delayed. The staff may therefore be said to be sufficient and so long as that is so, the more they get the better.

84. Are there many applications pending and is all long pendency satisfactorily explained?

There are a good many. Generally yes.

85. Is the copy application register neatly and correctly maintained and up-to-date?

Not very neat: it is up to date.

86. Are copies granted to parties promptly?

Yes: reasonably so.

87. Is the number of copying sheets in the hands of the copyists on the date of inspection correct according to the balance appearing in the register?

I did not count: the number of sheets called for seems excessive in many cases: there is no count of words before call: only a guess from the number of pages and perhaps a rough count of lines. The result is that parties have to supply an unnecessary number of sheets: they cannot count the words of the original for themselves conveniently. In one case no less than 31 sheets were returned out of 48 called for.

The number of words on each sheet requires watching. In some cases it is over 100, in many it is considerably less. The likelihood of giving the parties too little for their money would be reduced if there was a full count of words before sheets are called for. One count would suffice per case if a record of it is kept as it would show if the number of sheets used was more than required.

88. Is an inspection minute book maintained as laid down in paragraph 4 of Government Order No.10870-918-E.A.& 43-14-1, dated 10th April 1915?

These notes may be entered in an Inspection Minute Book. None hitherto kept.

90. Any irregularities or informalities observed in the course of inspection, whether connected with the printed questions or not, and suggestions, if any, for improving the working of the office?

The work is generally satisfactory.

(Sd.) Leslie C. Miller

CHIEF JUDGE.

"Copy"

N Gopalunjar

Registrar

Tsk.